

AMENDED IN SENATE AUGUST 22, 2014
AMENDED IN ASSEMBLY MARCH 28, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2750

Introduced by Assembly Member Roger Hernández

March 13, 2014

An act to ~~add Section 2066.5 to amend Sections 1632 and 1632.5~~ of the ~~Labor Business and Professions Code~~, relating to ~~car washes~~, dentistry, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2750, as amended, Roger Hernández. ~~Car washes. Dentistry.~~

(1) *The Dental Practice Act provides for the licensure and regulation of dentists and associated professions by the Dental Board of California within the Department of Consumer Affairs. The act requires each applicant for a license to practice dentistry to successfully complete specified examinations, including receiving a passing score on either a portfolio examination, as specified, or a clinical and written examination administered by the Western Regional Examining Board. Existing law requires that board to determine the passing score for that examination.*

This bill would additionally allow an applicant to satisfy that examination requirement by receiving a passing score on a clinical and written examination administered by the North East Regional Board of Dental Examiners, Inc., or an examination developed by the American Board of Dental Examiners, Inc. The bill would require those boards to determine the passing score for their respective examinations.

(2) Existing law requires the department to periodically review the examination process of the Western Regional Examining Board. Existing law requires that the Western Regional Examining Board examination meet specified antidiscrimination mandates.

This bill would additionally apply those provisions to the North East Regional Board of Dental Examiners, Inc. and the American Board of Dental Examiners, Inc.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law regulates the employment practices of car washes, including providing specific recordkeeping requirements that employers of car washers must implement with regard to car washer wages, hours, and working conditions, under the enforcement authority of the Division of Labor Standards and Enforcement. Existing law requires employers of car washers to register with the Labor Commissioner and pay a specified registration fee, or be subject to a specified civil fine. Existing law also requires employers of car washers to post a \$150,000 bond for the benefit of the state to compensate employees damaged by the employer's nonpayment of wages, except as specified. Existing law also provides that a successor to an employer that owed wages and penalties to the predecessor's employees is liable for those wages and penalties under specified circumstances.~~

~~This bill would require a car wash employer to provide written notice to a successor employer regarding the above provisions prior to the sale or other transfer of the business.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~^{yes}. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1632 of the Business and Professions
- 2 Code is amended to read:
- 3 1632. (a) The board shall require each applicant to successfully
- 4 complete the Part I and Part II written examinations of the National
- 5 Board Dental Examination of the Joint Commission on National
- 6 Dental Examinations.
- 7 (b) The board shall require each applicant to successfully
- 8 complete an examination in California law and ethics developed
- 9 and administered by the board. The board shall provide a separate
- 10 application for this examination. The board shall ensure that the

1 law and ethics examination reflects current law and regulations,
2 and ensure that the examinations are randomized. Applicants shall
3 submit this application and required fee to the board in order to
4 take this examination. In addition to the aforementioned
5 application, the only other requirement for taking this examination
6 shall be certification from the dean of the qualifying dental school
7 attended by the applicant that the applicant has graduated, or will
8 graduate, or is expected to graduate. Applicants who submit
9 completed applications and certification from the dean at least 15
10 days prior to a scheduled examination shall be scheduled to take
11 the examination. Successful results of the examination shall, as
12 established by board regulation, remain valid for two years from
13 the date that the applicant is notified of having passed the
14 examination.

15 (c) Except as otherwise provided in Section 1632.5, the board
16 shall require each applicant to have taken and received a passing
17 score on one of the following:

18 (1) A portfolio examination of the applicant's competence to
19 enter the practice of dentistry. This examination shall be conducted
20 while the applicant is enrolled in a dental school program at a
21 board-approved school located in California. This examination
22 shall utilize uniform standards of clinical experiences and
23 competencies, as approved by the board pursuant to Section 1632.1.
24 The applicant shall pass a final assessment of the submitted
25 portfolio at the end of his or her dental school program. Before
26 any portfolio assessment may be submitted to the board, the
27 applicant shall remit to the board a three hundred fifty dollar (\$350)
28 fee, to be deposited into the State Dentistry Fund, and a letter of
29 good standing signed by the dean of his or her dental school or his
30 or her delegate stating that the applicant has graduated or will
31 graduate with no pending ethical issues.

32 (A) The portfolio examination shall not be conducted until the
33 board adopts regulations to carry out this paragraph. The board
34 shall post notice on its Internet Web site when these regulations
35 have been adopted.

36 (B) The board shall also provide written notice to the Legislature
37 and the Legislative Counsel when these regulations have been
38 adopted.

39 (2) A clinical and written examination administered by the
40 Western Regional Examining ~~Board, which~~ *Board or the North*

1 *East Regional Board of Dental Examiners, Inc., or an examination*
2 *developed by the American Board of Dental Examiners, Inc., or*
3 *a successor organization of any of those boards. The board that*
4 *administered or developed an examination shall determine the*
5 *passing score for that examination.*

6 (d) Notwithstanding subdivision (b) of Section 1628, the board
7 is authorized to do either of the following:

8 (1) Approve an application for examination from, and to
9 examine an applicant who is enrolled in, but has not yet graduated
10 from, a reputable dental school approved by the board.

11 (2) Accept the results of an examination described in paragraph
12 (2) of subdivision (c) submitted by an applicant who was enrolled
13 in, but had not graduated from, a reputable dental school approved
14 by the board at the time the examination was administered.

15 In either case, the board shall require the dean of that school or
16 his or her delegate to furnish satisfactory proof that the applicant
17 will graduate within one year of the date the examination was
18 administered or as provided in paragraph (1) of subdivision (c).

19 *SEC. 2. Section 1632.5 of the Business and Professions Code*
20 *is amended to read:*

21 1632.5. (a) Prior to implementation of paragraph (2) of
22 subdivision (c) of Section 1632, the department's Office of
23 Professional Examination Services shall review the Western
24 Regional Examining Board examination to ensure compliance
25 with the requirements of Section 139 and to certify that the
26 examination process meets those standards. If the department
27 determines that the examination process fails to meet those
28 standards, paragraph (2) of subdivision (c) of Section 1632 shall
29 not be implemented. The review of the Western Regional
30 Examining Board examination shall be conducted during or after
31 the Dental Board of California's occupational analysis scheduled
32 for the 2004–05 fiscal year, but not later than September 30, 2005.
33 However, an applicant who successfully completes the Western
34 Regional Examining Board examination on or after January 1,
35 2005, shall be deemed to have met the requirements of subdivision
36 (c) of Section 1632 if the department certifies that the Western
37 Regional Examining Board examination meets the standards set
38 forth in this subdivision.

39 (b) *The department, pursuant to Section 139, shall regularly*
40 *review the examination processes of the Western Regional*

1 Examining Board examination process shall be regularly reviewed
2 by the department pursuant to Section 139. Board, the North East
3 Regional Board of Dental Examiners, and the American Board of
4 Dental Examiners.

5 (c) The examinations of the Western Regional Examining Board
6 examination Board, the North East Regional Board of Dental
7 Examiners, and the American Board of Dental Examiners shall
8 meet the mandates of subdivision (a) of Section 12944 of the
9 Government Code.

10 (d) As part of its next scheduled review by the Joint Committee
11 on Boards, Commissions, and Consumer Protection, the Dental
12 Board of California shall report to that committee and the
13 department on the pass rates of applicants who sat for the Western
14 Regional Examining Board examination, compared with the pass
15 rates of applicants who sat for the state clinical and written
16 examination administered by the Dental Board of California. This
17 report shall be a component of the evaluation of the examination
18 process that is based on psychometrically sound principles for
19 establishing minimum qualifications and levels of competency.

20 *SEC. 3. This act is an urgency statute necessary for the*
21 *immediate preservation of the public peace, health, or safety within*
22 *the meaning of Article IV of the Constitution and shall go into*
23 *immediate effect. The facts constituting the necessity are:*

24 *In order to ease the dentist shortage in California created by*
25 *Covered California's requirement that all children's health plans*
26 *offer pediatric dental coverage as an essential health benefit, it is*
27 *necessary that this act take effect immediately.*

28 ~~SECTION 1. Section 2066.5 is added to the Labor Code, to~~
29 ~~read:~~

30 ~~2066.5. An employer engaged in ear washing and polishing~~
31 ~~shall notify a successor with written notice of the provisions of~~
32 ~~this part, including Section 2066, prior to the sale or other transfer~~
33 ~~of the business.~~